



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: TREADAWAY=1B

In re Application of:)	Art Unit: 2664
)	
Kirk TREADAWAY et al.)	Examiner: W. Luther
)	
Appln. No.: 09/158,764)	Washington, D.C.
)	
Filed: September 23, 1998)	Confirmation No. 4336
)	
For: METHOD AND APPARATUS FOR)	August 9, 2004
BASEBAND TRANSMISSION...)	

RESPONSE

RECEIVED

AUG 11 2004

Technology Center 2600

Honorable Commissioner for Patents
Mail Stop Amendment
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

The Examiner's action dated April 7, 2004, has been received, and its contents carefully noted.

The rejections of claims 1 and 16-20 as anticipated by reference BE, of claims 6-15 and 21-27 as unpatentable over reference BE and of claims 2-5 as unpatentable over reference BE in further view of obvious considerations are all respectfully traversed for the reason that reference BE does not disclose or suggest certain significant features set forth in each of the independent claims under consideration.

Claim 1 defines a terminal that includes a broadcast device for receiving Ethernet data packets from the extender device according to baseband transmission. Claim 6 defines a

terminal in which Ethernet data packets are communicated between the extender device and the broadcast device according to baseband transmission.

Claim 16 defines a method of communicating Ethernet data packets which includes receiving an Ethernet data packet via baseband transmission into a broadcast device.

Claim 21 is directed to a terminal comprising a broadcast device that has a layer-two network switch for receiving data packets from the extender device according to baseband transmission.

The Giganet reference (ref BE), however, does not disclose or suggest the use of baseband transmission to be carried between an extender device and a broadcast device. If at all, the Giganet reference teaches away from the present invention as it teaches the use of a coaxial cable to connect between the indoor unit (IDU) and the outdoor unit (ODU). See page 3/4 of the reference. A coaxial cable is not typically used for the purpose of conveying fast Ethernet packets. Moreover, the coaxial cable disclosed in this reference is typically used to convey intermediate frequency (IF) signals, and not baseband signals, between the indoor and the outdoor units (IDU, ODU).

It is thus clear that the recitations in claims 1, 6, 16 and 21 relating to baseband transmission are not suggested by the applied reference.

Independent claim 21 defines essentially the same elements as claim 6, with the addition of a layer-two switch, which is not found in the Giganet reference. Even if, as the Examiner indicates, a layer-two switch is known to handle faster communication, such as that carried on 100BaseT (lines 2-3, p. 4 of the office action), the Giganet reference does not mention 100BaseT and no prior art evidence has been cited to support the view that it would be obvious to those skilled in the art to use a layer two switch in the reference system.

Claim 11 defines a terminal having an extender device that includes both a full-duplex regenerator and a half-duplex 10BASE-T repeater. The terminal of claim 11 also includes a broadcast device having a full-duplex data packet transceiver and a half-duplex data packet transceiver. In the explanation of the rejection of this claim, the Examiner acknowledges that the reference does not disclose both full-duplex and half-duplex related limitations and then goes on to suggest that the disclosure of a bi-directional system makes the use of full-duplex obvious. While this may be correct, the Examiner's explanation still does not support a view that it would be obvious to provide a single terminal having an

extender device with both a full-duplex data packet regenerator and a half-duplex data packet receiver, together with a broadcast device having both a full-duplex data packet transceiver and a half-duplex data packet transceiver.

Every limitation in an application claim must be taken into consideration and, in the case of the present rejection, no proper basis has been presented to support the conclusion that it would be obvious, in view of the reference, to provide a single terminal with all of the components defined in claim 11.

Regarding the explanation of the rejection of claim 12, which appears to be the only discussion in the reference of the "baseband" feature, it is submitted that a proper basis for the Examiner's assertion has not been presented. No prior art evidence has been presented to support the assertion that baseband transmission has the effect of minimizing attenuation, and in particular that such would be the case in systems of the type disclosed in the reference.

Claims 8, 9, 24 and 25 further distinguish over the applied reference by their recitations of connecting the outdoor unit and the indoor unit with a twisted pair of conductors. The only type of connector mentioned in the reference is a coaxial type, and this is not interchangeable with a twisted pair. In fact, coaxial cable is inappropriate

for transmitting fast Ethernet type of packets. So if at all, the applied reference teaches away from these claims.

The double patenting rejection presented on pages 6 and 7 of the Action is traversed for the reason that the invention defined in claims 1-5 and 16 of the present Application is not obvious in view of claim 11 of U.S. Patent No. 6,480,477.

Claim 1 of the present Application defines a terminal including an extender device for receiving Ethernet data packets from a computer network coupled to the extender device, and a broadcast device coupled to the extender device for receiving the data packets according to baseband transmission.

Claim 16 is directed to a method that comprises receiving an Ethernet data packet via baseband transmission into a broadcast device.

Claim 11 of the '477 patent does not define receiving data packets from a computer network, as defined in claim 1, or communication between an extender device and a broadcast device according to baseband transmission.

The explanation of the double patenting rejection of claims 1-5 and 16 does not refer to these limitations in application claims 1 and 16. Thus, this rejection is not based on any evidence that it would be obvious to modify the

terminal of claim 1`1 of the '477 patent to include the features discussed above.

The explanation of the rejection of application claims 1-5 and 16 refers to patent claim 1. However, the double patenting rejection of these claims is not based on patent claim 1.

Nevertheless, for the sake of completeness, it is noted that the above-mentioned limitations in the application claims are not set forth in patent claim 1.

The rejection of application claims 16-18 on the grounds of double patenting as being unpatentable over claims 1 and 2 of the '477 patent is traversed for essentially the same reasons. As already noted above, patent claim 1 does not disclose a terminal including an extender device for receiving Ethernet data packets from a computer network, or a broadcast device that receives data packets from the extender device according to baseband transmission. These features are also not recited in patent claim 2.

Accordingly, it is submitted that a proper basis does not exist for asserting that application claims 1-5 and 16-18 are obvious in view of patent claims 1, 2 and 11 and it is therefore requested that this double patenting rejection be reconsidered and withdrawn.

The prior art rejections presented in the Action are also traversed on the grounds that the present Application claims, and is entitled to, the benefit of the U.S. filing date of Application No. 08/950,028, filed on October 14, 1997, which is earlier than the effective date of the Giganet reference.

Referring to claim 1 of the present Application, and the drawings and specification of the '028 application, router 300 and outer system 400, shown in Figures 3 and 4 of the '028 application, correspond functionally to the extender device and broadcast device, respectively, defined in Application claims 1, 6, 11 and 21 and carry out the method defined in claim 16 of the present Application. Please note, in particular, that outer system 400 shown in Figure 4 of the '028 application includes a baseband processor.

Accordingly, it is submitted that the Giganet reference is not available as prior art against the claims of the present application.

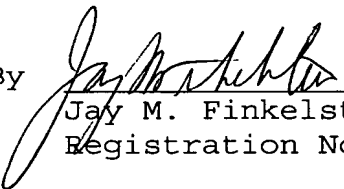
In view of the foregoing, it is requested that all of the prior art rejections and the double patenting rejection be reconsidered and withdrawn, that all of the pending claims be allowed and that the Application be found in allowable condition.

Appln. No. 09/158,764
Amd. dated August 9, 2004
Reply to Office Action of April 7, 2004

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By 
Jay M. Finkelstein
Registration No. 21,082

JMF:dtb
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\E\eci\Treadaway1B\PTO\09AUG04-Response.doc